



# **PLANNING COMMISSION AGENDA REPORT**

MEETING DATE: JUNE 26, 2006

*11.8.*  
ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-06-23  
193 THE MASTERS CIRCLE

DATE: JUNE 15, 2006

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER 714.754.5136

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## **DESCRIPTION**

The applicant is requesting approval of variances from second floor rear setback requirements (20 feet required; 10 feet proposed) for a second floor deck, and from rear yard coverage requirements (maximum 425 square feet allowed; approximately 640 square feet proposed) for a first and second floor expansion to a single-family residence.

## **APPLICANT**

Zachary Sham is the authorized agent for property owner, Dawnielle Kelley.

## **RECOMMENDATION**

Approve by adoption of Planning Commission resolution, subject to conditions.

  
WENDY SHIH  
Associate Planner

  
R. MICHAEL ROBINSON, AICP  
Asst. Development Services Director

## PLANNING APPLICATION SUMMARY

Location: 227 Monte Vista Avenue Application: PA-06-23

Request: Variances from second floor rear setback requirements (20 feet required; 10 feet proposed) for a second floor deck, and from rear yard coverage requirements (maximum 425 square feet allowed; approximately 640 square feet proposed) for a first and second floor expansion to a single-family residence

### SUBJECT PROPERTY:

Zone: R1  
 General Plan: Low Density Residential  
 Lot Dimensions: Irregular  
 Lot Area: 6,839 sq.ft.  
 Existing Development: Single-family residence and an attached two-car garage.

### SURROUNDING PROPERTY:

North: R1 – Single-family residential  
 South: Santa Ana Country Club Golf Course  
 East: R1 – Single-family residential  
 West: R1 – Single-family residential

## DEVELOPMENT STANDARD COMPARISON

<u>Development Standard</u>	<u>Required/Allowed</u>	<u>Proposed/Provided</u>
<b>Lot Size:</b>		
Lot Width	50 ft.	Approximately 60 ft.
Lot Area	6,000 sq. ft.	6,839 sq.ft.
<b>Density:</b>		
Zone	1 du/6,000 sq.ft.	1 du/6,839 sq.ft.
General Plan	1 du/5,445 sq.ft.	1 du/6,839 sq.ft.
<b>Building Coverage:</b>		
Buildings	N/A	40% (2,724 sq.ft.)
Paving	N/A	20% (1,349 sq.ft.)
Open Space	Min. 40% (2,735 sq. ft.)	40% (2,766 sq.ft.)
TOTAL	100% (6,893 sq.ft.)	100% (6,839 sq. ft.)
Rear Yard Coverage:	Max. 25% (425 sq.ft.)	43% (approx. 640 sq.ft.)
Building Height:	2 stories/27 ft.	2 stories/24 ft.
Ratio of 2 <sup>nd</sup> floor to 1 <sup>st</sup> floor <sup>2</sup> :	Max. 80% (2,179 sq.ft.)	62% (1,688 sq.ft. including deck)
<b>Setbacks:</b>		
Front	20 ft.	13 ft. <sup>3</sup>
Side (left <sup>4</sup> /right)	5 ft./5 ft.	7 ft./5 ft.
2 <sup>nd</sup> Floor Side (left <sup>4</sup> /right) <sup>2</sup>	5 ft./10 ft. average	10 ft./31 ft.
Rear (1 <sup>st</sup> floor/2 <sup>nd</sup> floor) - abuts golf course	10 ft./20 ft.	10 ft./10 ft. <sup>1</sup>
<b>Parking:</b>		
Garage	2	2
Open	2	2
TOTAL	4 Spaces	4 Spaces
CEQA Status	Exempt, Class 3	
Final Action	Planning Commission	

- 1 Variances requested.
- 2 Residential Design Guidelines.
- 3 Existing nonconforming.
- 4 2 left side property lines for this lot – 1 along driveway access easement and 1 adjoins property to the east.

## **PROJECT DESCRIPTION**

The subject property is located at the end of a cul-de-sac, adjoining three residential properties to the north, east, and west. The site also backs up to the Santa Ana Country Club Golf Course. The property is zoned R1 (Single-Family Residential) with a General Plan designation of Low Density Residential. The lot contains a two-story, single-family residence with an attached two-car garage. A building permit was issued in March 2006, for a first and second floor expansion that satisfied all applicable residential development standards and design guidelines. The applicant now requests variances from rear yard coverage and second floor rear setback for a second floor deck.

## **ANALYSIS**

The applicant proposes a deck above the first floor area, which is set back 10 feet from the rear property line (20 feet required). Additionally, both the deck and a first floor addition will cover approximately 640 square feet of the rear yard; Code permits a maximum coverage of 425 square feet.

It is staff's opinion that special circumstances applicable to the property exist to justify approval of the variances. Specifically, the reduced setback abuts the golf course. Furthermore, the lot is irregularly shaped with three side property lines and contains a 10-foot wide driveway access easement for the properties to the east, which limits where new construction can occur. The proposed deck overlooks the golf course to the rear and is located more than 30 feet away from the closest residence to the east and separated by a driveway area. Therefore, it is staff's opinion that there would be no visual impact with a reduced rear setback for the second floor deck.

The proposed 640 square-foot rear yard coverage consists of 400 square feet of enclosed building area and 240 square feet of covered patio area below the second floor deck. Since the covered patio area is contiguous to and part of the usable rear yard or open space, the actual enclosed building coverage is no more than 25 percent. Therefore, the proposed rear yard coverage will not substantially increase building mass. Additionally, the rear yard backs up to a golf course and no impacts are anticipated since residences will not be built on the adjoining lot to the rear. The proposed construction also satisfies the residential design guidelines. It is staff's opinion that approval of the variances would not negatively impact surrounding properties or constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity.

## **GENERAL PLAN CONFORMITY**

The property has a General Plan designation of Low Density Residential. Under this designation one dwelling unit is allowed per lot. The proposed addition is part of a single-family residence. Therefore, it is consistent with the use and density allowed by the City's General Plan.

**ALTERNATIVES**

1. If the application is approved, it would allow a 10-foot encroachment into the required 20-foot rear setback for a second floor deck and a 43 percent rear yard coverage which includes a covered patio area.
2. If the application is denied, the project could not be constructed as proposed. The applicant could not submit substantially the same request for six months.

**ENVIRONMENTAL DETERMINATION**

The project is exempt from the provisions of the California Environmental Quality Act under Section 15301 for Existing Facilities.

**CONCLUSION**

It is staff's opinion that the requested rear setback and rear yard coverage variances can be justified due to the unusual lot shape and that the property is located next to a golf course; consequently, approval of the variances should not negatively impact surrounding properties or constitute a grant of special privilege inconsistent with the limitation upon other properties in the vicinity.

Attachments:      Draft Planning Commission Resolution  
                          Exhibit "A" - Draft Findings  
                          Exhibit "B" - Draft Conditions of Approval  
                          Applicant's Project Description and Justification  
                          Zoning/Location Map  
                          Plans

cc:    Deputy City Mgr.-Dev. Svs. Director  
        Deputy City Attorney  
        City Engineer  
        Fire Protection Analyst  
        Staff (4)  
        File (2)

Zachary Sham  
 2600 Newport Boulevard, Ste. 154  
 Newport Beach, CA 92663

Dawnielle Kelley  
 22 Castellina  
 Newport Coast, CA 92657

**RESOLUTION NO. PC-06-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF COSTA MESA APPROVING PLANNING  
APPLICATION PA-06-23**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY  
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Zachary Sham, authorized agent for the owner of the property, Dawnielle Kelley, with respect to the real property located at 193 The Masters Circle, requesting approval of variances from second floor rear setback requirements (20 feet required; 10 feet proposed) and from rear yard coverage requirements (maximum 425 square feet allowed; approximately 640 square feet proposed) for a first and second floor expansion to a single-family residence, in the R1 zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on June 26, 2006.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby **APPROVES** Planning Application PA-06-23 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-06-23 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B". Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

**PASSED AND ADOPTED this 26<sup>th</sup> day of June, 2006.**

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Bill Perkins, Chair  
Costa Mesa Planning Commission

STATE OF CALIFORNIA   )  
  )ss  
COUNTY OF ORANGE    )

I, R. Michael Robinson, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on June 26, 2006, by the following votes:

AYES:       COMMISSIONERS

NOES:       COMMISSIONERS

ABSENT:     COMMISSIONERS

ABSTAIN:    COMMISSIONERS

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Secretary, Costa Mesa  
Planning Commission

**EXHIBIT "A"****FINDINGS**

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29 (e) because:
- a. The proposed development and use is compatible and harmonious with uses both on site as well as those on surrounding properties.
  - b. Safety and compatibility of the design of the building and other site features, including functional aspects of the site development, have been considered.
  - c. The project is consistent with the General Plan since the property has a general plan designation of Low Density Residential. Under this designation one dwelling unit is allowed per lot. The proposed deck addition is part of a single-family residence. Therefore, it is consistent with the use and density allowed by the City's General Plan.
  - d. The planning application is for a project-specific case and does not establish a precedent for future development.
  - e. The cumulative effects of all planning applications have been considered.
- B. The proposed project complies with Costa Mesa Municipal Code Section 13-29 (g)(1) because special circumstances applicable to the property exist to justify approval of the variance from rear setback and rear yard coverage requirements. Specifically, the lot abuts a golf course, is irregularly shaped and contains a 10-foot wide driveway access easement for the properties to the east, which limits where new construction can occur. The proposed construction also satisfies all applicable residential design guidelines. The deviation granted does not constitute a grant of a special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated. Granting of the deviation will not allow a use, density, or intensity which is not in accordance with the general plan designation for the property.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures, and has been found to be exempt from CEQA under Section 15301 for Existing Facilities.
- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

**EXHIBIT "B"****CONDITIONS OF APPROVAL**

- PIng.
1. All new and existing construction shall be architecturally compatible with regard to building materials, style, colors, etc. with the existing structure. Plans submitted for plan check shall reflect how architectural compatibility will be accomplished.
  2. The conditions of approval, code requirements, and special district requirements of Planning Application PA-06-23 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
  3. The applicant shall contact the Planning Division to arrange for an inspection of the site prior to the release of utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
  4. Grading, materials delivery, equipment operation, and other construction-related activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and 8 a.m. to 6 p.m. Saturday. Construction is prohibited on Sundays and federal holidays. Exceptions may be made for activities that will not generate noise audible from off-site, such as painting and other quiet interior work.



# CITY OF COSTA MESA PLANNING APPLICATION

## PROJECT DESCRIPTION AND JUSTIFICATION

1. Project Address: 193 THE MASTERS CIRCLE  
COSTA MESA
2. Fully describe your request: TO EXTEND THE DECK AT THE  
REAR OF THE PROPERTY, ADJACENT TO THE GOLF  
COURSE (TO WITHIN 10'-7" OF THE REAR PROPERTY LINE)  
SUPPORTING COLUMN OF THE DECK IS LOCATED AN  
ADDITIONAL 2'-0" BACK FROM THE REAR PROPERTY LINE.  
THEREFORE, THE SUPPORT OF THE DECK IS LOCATED 12'-7" FROM THE  
REAR PROPERTY LINE.
3. Justification:
  - A. For a Conditional Use Permit or Minor Conditional Use Permit: On a separate sheet, describe how the proposed use is substantially compatible with uses permitted in the same general area and how the proposed use would not be materially detrimental to other properties in the same area.
  - B. For a variance or Administrative Adjustment: On a separate sheet, describe the property's special circumstances, including size, shape, topography, location or surroundings that deprive the property of privileges enjoyed by other properties in the vicinity under the identical zoning classification due to strict application of the Zoning Code.
4. This project is: (check where appropriate)  
☐ In a flood zone. ☐ In the Redevelopment Area.  
☐ Subject to future street widening. ☐ In a Specific Plan Area.  
☐ Includes a drive-through facility.  
(Special notice requirements, pursuant to GC Section 65091 (d))
5. I have reviewed the HAZARDOUS WASTE AND SUBSTANCES SITES LIST reproduced on the rear of this page and have determined the project:  
☒ Is not included in the publication indicated above.  
☐ Is included in the publication indicated above.

Justin Shaw, ARCHITECT  
Signature

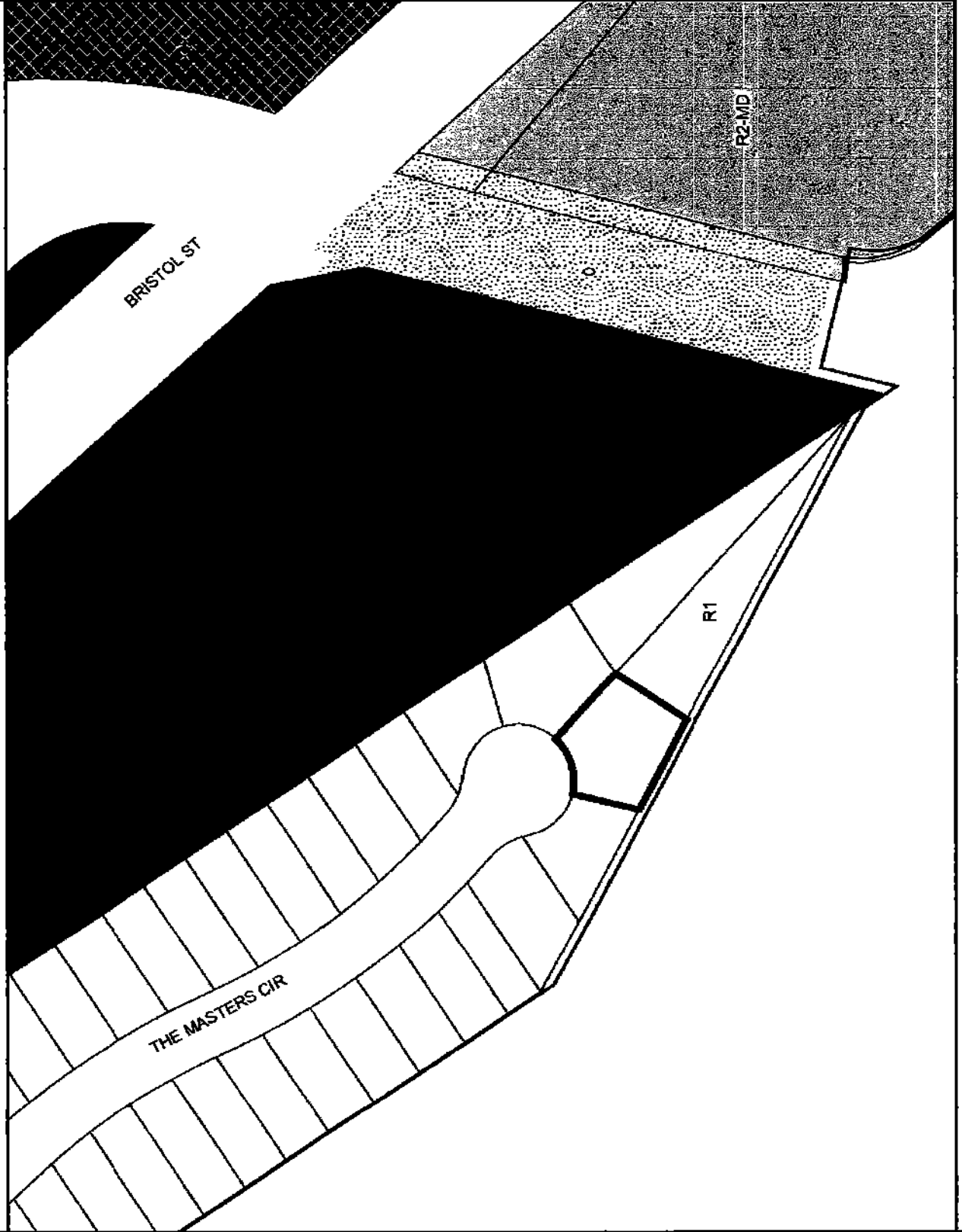
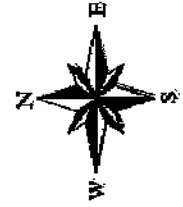
20 APRIL 06  
Date

# ZONING/LOCATION MAP

193 The Masters Circle

## Legend

- ☐ Identified Features
- Street Names
- Parcel Lines
- City Boundary
- Zoning
  - AP
  - C1
  - C1-S
  - C2
  - CL
  - IAA
  - IAA-S
  - MG
  - MP
  - P
  - POC
  - PDI
  - PDR-MD
  - PDR-LD
  - PDR-MD
  - PDR-NCM
  - R1
  - R2-HO
  - R2-MD
  - R3
  - TC
- Parcels









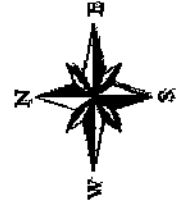
# AERIAL PHOTO

193 The Masters Circle



## Legend

-  Identified Features
-  Street Names
-  Parcel Lines
-  City Boundary
-  Ortho Photography
-  Parcels





DATE	1/10/87
BY	AW
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**ZACHARY SHAM & ASSOCIATES**  
 ARCHITECTURE - PLANNING - CONSTRUCTION  
 8800 NEWPORT BLVD.  
 NEWPORT BEACH, CA 92662  
 949-876-7382

**DAWNELLE KELLEY**  
 183 MARLBOROUGH  
 COSTA MESA, CA 92627

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